

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-101—sSB 114

Planning and Development Committee

Finance, Revenue and Bonding Committee

**AN ACT ESTABLISHING A PROPERTY TAX PROGRAM TO
ENCOURAGE THE PRESERVATION OF HISTORIC AGRICULTURAL
STRUCTURES**

SUMMARY: This act authorizes municipalities to establish, by ordinance, a property tax incentive program to encourage the preservation of certain historic agricultural structures that are at least 75 years old. Under the program, a property owner agrees to offer a municipality a preservation easement for the historic structure for up to 10 years in exchange for a property tax abatement. If the easement is accepted, the owner must maintain the structure in keeping with its historic integrity and character. The act provides a mechanism for terminating easements under specified conditions and authorizes municipalities to penalize property owners who do not comply with their easement agreements.

EFFECTIVE DATE: Upon passage

HISTORIC AGRICULTURAL STRUCTURES

Under the act, “historic agricultural structures” are barns listed on the national or state Register of Historic Places, stone walls, and other structures, including the land necessary for these structures’ function. The structures must be at least 75 years old and currently or formerly used for agricultural purposes. They must also:

1. provide scenic enjoyment to the general public from a public road;
2. be historically important on a local, regional, state, or national level, on their own or as part of an historic district established under state law; or
3. have physical or aesthetic features that contribute to the historic or cultural integrity of a property located on, or eligible for, the national or state Register of Historic Places.

APPLICATION FOR ABATEMENT

A municipality’s legislative body (or if the legislative body is a town meeting, its board of selectmen or town council) must prescribe the abatement application form. The application must include (1) an offer to grant the municipality a preservation easement for the term of the abatement and (2) a certification by the owner that, during the term of any preservation easement the legislative body accepts, he or she will maintain the structure in keeping with its historic integrity and character.

If the legislative body accepts the easement, it must establish a reduced

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property tax payment reflecting, in its sole discretion, the value of the public benefit received from the preservation easement. The amount must be fixed for the term of the easement, which may be up to 10 years under the act. Tax abatement terms must begin on the first of January preceding the start of the tax year.

TERMINATING AN EASEMENT

The act requires the legislative body to release the easement at the owner's request if it determines that the:

1. owner cannot comply with the agreement due to extreme personal hardship or
2. historic agricultural structure has been significantly damaged or destroyed by fire, storm, or any other unforeseen circumstance outside of the owner's control.

The act authorizes municipalities to penalize property owners who fail to maintain the historic structure in accordance with an easement agreement by levying an early release penalty and terminating the easement.

OLR Tracking: JB:LH:JKL:am